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## REMARKS

Claim Amendments

Claim 43 has been amended to improve clarity.

***1. Claims 1-53 are allowable over the combination of Roberts and Schwartz.***

Applicants respectfully traverse the rejection of Claims 1-53 under 28 U.S.C. 103 (a) as obvious over (US 2004/0233892 A1) ("Roberts") in view of US 4,856,055 ("Schwartz"), at page 2 of the Office Action.

***a. The asserted combination fails to disclose or suggest at least one element of claim 1.***

Claim 1 recites receiving custom ring information from a calling party of a VoIP call, representing a desired ring tone to be played to the called party, and initiating delivery of the custom ring information to the called party.

Roberts, in contrast, discloses that upon receiving a call from a priority caller, a priority response is sent which may include a special code indicating that the Customer Premises Equipment (CPE) should *play the priority alert signal specified in a database*. (Roberts, paragraph 0059). The special code of Roberts is not custom ring information that is received from a calling party, but is instead *a signal to distinguish the incoming call as a priority call*. (Roberts, paragraph 0059). Thus, Roberts fails to disclose or suggest initiating delivery of custom ring information from a calling party to a called party. Schwartz fails to disclose or suggest initiating delivery of custom ring information from a calling party to a called party. Thus, the combination of Roberts in view of Schwartz fails to disclose or suggest at least one element of claim 1.

The Office Action, at page 3, states that Roberts fails to disclose or suggest receiving from the calling party custom ring information. Applicants submit that Schwartz also fails to disclose or suggest receiving custom ring information from the calling party. Schwartz discloses a prerecorded library of melodies stored in a signal library. (Schwartz, col. 4, lines 33-

36) In addition, Schwartz discloses that selected melodies or voiced messages may be programmed by the *user*. (Schwartz, col. 3, lines 29-31). The "user," as defined by Schwartz, is the owner of the telephone reception equipment. (Schwartz, col. 2, line 62). Further, in Schwartz a melody may be selected by a caller by pushing DTMF keys. (Schwartz, col. 7 lines 1-7) DTMF tones simply select a custom ring, and do not constitute custom ring information. Thus, Schwartz fails to disclose or suggest receiving custom ring information from a calling party.

The combination of Roberts in view of Schwartz fails to disclose or suggest at least one element of claim 1.

***b. No motivation to combine references***

Applicants submit that one skilled in the art would have no motivation to combine Roberts and Schwartz to receive custom ring information from a calling party, or initiate delivery of custom ring information to the called party as recited in claim 1. Roberts addresses a method for alerting a subscriber when a call is received from a priority caller, and fails to disclose or suggest receiving custom ring information, or initiating delivery of custom ring information to the called party. (Roberts, abstract) Further, Schwartz fails to disclose or suggest receiving custom ring information from a caller; rather, Schwartz maintains a library of prerecorded melodies in equipment that resides with the called party, from which a caller can choose through DTMF tones. (Schwartz, Fig. 2, col. 3 lines 29-33, col. 7 lines 1-7) Schwartz fails to disclose or suggest initiating delivery of custom ring information to a called party. There is no motivation to combine Roberts and Schwartz to receive custom ring information from a calling party or to initiate custom ring information to the called party, as recited in claim 1. For at least the reasons presented above, claim 1 is allowable over the combination of Roberts in view of Schwartz. Claims 2-17 depend directly or indirectly from claim 1, and are therefore allowable at least by virtue of their dependency from allowable claim 1.

***c. The asserted combination fails to disclose or suggest at least one element of claim 18***

Claim 18 recites a ring tone delivery system including a network node operable to deliver packetized information representing a calling party selected ring tone from a calling party to a called party.

As argued above in support of allowability of claim 1, Roberts discloses that if a call is received from a priority caller, a priority response is sent to the called party that may include a special code to play the priority alert signal. (Roberts, paragraph 0059) Roberts fails to disclose or suggest delivering packetized information representing a calling party selected ring tone. Thus, Roberts fails to disclose or suggest at least one element of claim 18.

Schwartz also fails to disclose or suggest a network node operable to deliver packetized information representing a calling party selected ring tone. Instead, Schwartz discloses that the caller or the called party can *select* the message to be played through the use of a combination of DTMF tones sent to the called party. (Schwartz, col. 6 lines 13-21 and 36-52, col. 7 lines 1-7) Selection of a message through the use of transmitted DTMF tones is not equivalent to and fails to disclose transmission of packetized ring tone information. In Schwartz, the DTMF tone combination causes a choice of message to be made, with messages chosen from a prerecorded library of melodies/messages. (Schwartz, col 2, line 65-col 3 line 1; col. 3, lines 29-33). Therefore Schwartz fails to disclose or suggest at least one element of claim 18.

Thus, Roberts and Schwartz, alone or in combination, fail to disclose or suggest at least one element of claim 18. For at least the reasons presented above, claim 18 is allowable over the combination of Roberts in view of Schwartz. Claims 19-25 depend from claim 18, and therefore are allowable at least by virtue of their dependency from allowable claim 18.

***d. The asserted combination fails to disclose or suggest at least one element of claim 26.***

Claim 26 recites a system for facilitating a select ring tone including an electronic device comprising a housing component, a memory storing ring tone information representing the select ring tone, and an output engine operable to initiate communication of the ring tone information to the called party such that a telephonic device of the called party outputs the select ring tone.

Roberts fails to disclose or suggest an electronic device comprising a housing component, as recited in claim 26. Further, Roberts fails to disclose or suggest a memory located within an enclosure, the memory storing ring tone information representing the select ring tone, as recited in claim 26. Instead, Roberts discloses a database in which is stored priority caller information and a subscriber number, and may also contain information regarding a priority alert signal that

is associated with the subscriber number. (Roberts, paragraph 0052). Additionally, as argued above in support of allowability of claim 1, Roberts fails to disclose or suggest an output engine operable to initiate communication of ring tone information to a called party. Instead, Roberts discloses that *upon receiving* a call from a priority caller, a priority response is sent by the Service Control Point (SCP). The priority response of Roberts does not comprise ring tone information, but rather may include a special code indicating that the Customer Premises Equipment (CPE) should play the priority alert signal specified in a database. (Roberts, paragraph 0059). Thus, Roberts fails to disclose or suggest at least one element of claim 26.

Schwartz fails to disclose or suggest a memory storing ring tone information representing the select ring tone. Instead, Schwartz discloses a signal library stored in internal memory *at the called equipment*, and is able to play the selected melody when it receives the ON signal from a ring detector. (Schwartz, col. 4, lines 33-36) Further, Schwartz fails to disclose or suggest an output engine operable to initiate communication of the ring tone information to the called party. In Schwartz, the calling party may generate a set of DTMF tones that result in playing a selected melody from the library residing in the called party equipment. (Schwartz, col. 7, lines 1-7) Thus Schwartz fails to disclose or suggest at least one element of claim 26.

Thus, Roberts and Schwartz, alone or in combination, fail to disclose or suggest at least one element of claim 26. Therefore, claim 26 is allowable over the combination of Roberts in view of Schwartz. Claims 27-30 depend directly or indirectly from claim 26, and are allowable at least by virtue of their dependency from allowable claim 26.

***e. The asserted combination fails to disclose or suggest at least one element of claim 31.***

Claim 31 recites a computer-readable medium having computer-readable data to maintain information representing a calling party selected ring tone and to direct the information to a telephonic device of the called party that allows the telephonic device to output the calling party selected ring tone.

Roberts discloses that priority caller information related to a priority caller is stored in a database, and if the caller is a priority caller, the telephone network executes a priority action (Roberts, paragraphs 0033, 0035, 0037-0042). Roberts fails to disclose or suggest a computer-

readable medium having computer-readable data to maintain information representing a calling party selected ring tone. Further, as argued above in support of the allowability of claim 1, Roberts fails to disclose or suggest directing delivery of information representing a calling party selected ring tone.

Schwartz discloses an internal memory on which is stored a signal library residing with the called party. The system of Schwartz is able to play the selected melody when it receives the ON signal from a ring detector. (Schwartz, col. 4, lines 33-36) Schwartz fails to disclose or suggest a computer-readable medium having computer-readable data to maintain information representing a calling party selected ring tone, and to direct delivery of the information to a telephonic device of the called party.

Thus Roberts and Schwartz, alone or in combination, fail to disclose or suggest at least one element of claim 31. Therefore claim 31 is allowable over the combination of Roberts in view of Schwartz. Claim 32 depends from allowable claim 31, and is allowable at least by virtue of its dependency from allowable claim 31.

***f. The asserted combination fails to disclose or suggest at least one element of claim 33.***

Claim 33 recites recognizing a request to complete a call to a called party over a packet switched network, receiving first custom ring information from a calling party representing a desired ring tone to be played to the called party, and determining not to play the first custom ring information.

Roberts fails to disclose or suggest receiving first custom ring information from a calling party of the call representing a desired ring tone to be played to the called party. Instead, as argued above, Roberts discloses determining whether the call is from a priority caller, and if the call is from a priority caller, a priority response is sent that may authorize the Consumer Premises Equipment (CPE) to play a priority alert signal. (Roberts, paragraphs 0056, 0059). Thus, the ring tone is determined based on a caller priority determined by the called party, and not by the calling party. Further, Roberts fails to disclose or suggest determining not to play first custom ring information to the called party. Thus, Roberts fails to disclose or suggest at least one element of claim 33.

As argued above, Schwartz discloses that the caller can select the melody or message to be played by a caller supplying DTMF signals. (Schwartz, col. 7, lines 1-7). Schwartz fails to disclose or suggest receiving custom ring information. Schwartz fails to disclose or suggest determining not to play the first custom ring information to the called party. Rather, in Schwartz a selection logic circuit receives the binary output of a DTMF detector, and causes the signal library to select a melody in its library. (Schwartz, col. 6, lines 44-52). Thus, Schwartz fails to disclose or suggest at least one element of claim 33.

Roberts and Schwartz, alone or taken in combination, fail to disclose or suggest at least one element of claim 33. Therefore claim 33 is allowable over the asserted combination. Claims 34-42 depend from allowable claim 33, and are therefore allowable at least by virtue of their dependency from allowable claim 33.

***g. The asserted combination fails to disclose or suggest at least one element of claim 43.***

Claim 43 recites a system comprising a memory located within an enclosure, storing ring tone information representing a select ring tone and including an advertisement, and an output engine to initiate communication of the ring tone information to the called party.

Roberts fails to disclose or suggest a memory located within an enclosure storing ring tone information representing the select ring tone and including an advertisement.

As argued in support of the allowability of claim 26, Roberts also fails to disclose or suggest an output engine operable to initiate communication of the ring tone information to the called party. In Roberts, the output of the caller is merely placing the call. (Roberts, paragraphs 0034-0035).

Schwartz discloses an internal memory containing a library of pre-recorded melodies. (Schwartz, col. 3, lines 29-33, col. 4, lines 33-36). Schwartz makes no mention of advertisements. Further, Schwartz fails to disclose or suggest an output engine operable to initiate communication of ring tone information to the called party such that a telephonic device of the called party outputs the select ring tone to indicate the call.

Roberts and Schwartz, alone or in combination, therefore fails to disclose or suggest at least one element of claim 43. Therefore claim 43 is allowable over Roberts in view of Schwartz. Claims 44-47 depend from allowable claim 43, and are therefore allowable at least by virtue of their dependency from allowable claim 43.

*h. The asserted combination fails to disclose or suggest at least one element of claim 48.*

Claim 48 recites a computer-readable medium having computer-readable data to maintain information representing a calling party selected ring tone, to direct delivery of the information to a telephonic device of the called party, and to determine not to play the calling party selected ringtone.

Roberts fails to disclose or suggest a computer-readable medium having computer-readable data to maintain information representing a calling party selected ring tone. Further, Roberts fails to deliver ring tone information from a calling party to a called party. Instead, Roberts discloses a database that can contain information regarding a priority alert signal that is associated with the subscriber number, but the database does not contain the actual priority alert signal. (Roberts, paragraphs 0051-0052, and Table 1). In Roberts, the output of the caller is merely placing the call. (Roberts, paragraph 0034). Roberts discloses that a caller places a call to a telephone number, and a telephone network reviews the calling party information to determine whether the caller is a priority caller and how the call should be processed. (Roberts, paragraph 0035) Also, Roberts fails to disclose or suggest *not* playing a calling party selected ringtone. Thus, Roberts fails to disclose or suggest at least one element of claim 48.

Schwartz fails to disclose or suggest a computer-readable medium having computer-readable data to maintain information representing a calling party selected ring tone. Instead, a signal library is stored in the internal memory of Schwartz. Further, the internal memory of Schwartz does not maintain information representing a calling party selected ring tone, but rather stores a library of pre-recorded melodies. (Schwartz, col. 2, lines 65-68, col. 4, lines 33-38) Further, Schwartz fails to disclose or suggest *not* playing a calling party selected ringtone. Rather, Schwartz discloses that the remote caller can choose a pre-recorded melody (or message)

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by pushing DTMF keys. (Schwartz, col. 7, lines 1-7) Thus Schwartz fails to disclose or suggest at least one element of claim 48.

Therefore the combination of Roberts in view of Schwartz fails to disclose or suggest at least one element of claim 48. Hence, claim 48 is allowable over the combination of Roberts in view of Schwartz. Claims 49-53 depend from allowable claim 48, and are therefore allowable at least by virtue of their dependency upon allowable claim 48.

### CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

The changes to the claims in this amendment have been made for a purpose unrelated to patentability (i.e. clarity), and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,



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